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| 47973 7590 11/25/2008 WORKMAN NYDEGGER/MICROSOFT 1000 EAGLE GATE TOWER 60 EAST SOUTH TEMPLE SALT LAKE CITY, UT 84111 | | | | |
| EXAMINER ZELASKIEWICZ, CHRYSTINA E | | | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/766,591

Applicant(s)

CHEN ET AL.

Examiner

CHRYSTINA ZELASKIEWICZ

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Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 4-6, 10-17, 19-21 and 25-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-6, 10-17, 19-21 and 25-28 is/are rejected.
- 7) ☒ Claim(s) 1 and 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 August 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Final Drawing Review (PTO-849)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date August 8, 2008
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Status of Claims

1. This action is in reply to the Amendment filed on August 8, 2008.
2. Claims 1-2, 4-6, 10-17, 19-20, 26 have been amended.
3. Claims 3, 7-9, 18, 22-24, 29-31 have been cancelled.
4. Claims 1-2, 4-6, 10-17, 19-21, 25-28 are currently pending and have been examined.

IDS

5. The Information Disclosure Statement filed on August 8, 2008 has been considered. An initialed copy of the Form 1449 is enclosed herewith.

Claim Objections

6. Claims 1 and 16 are objected to because of the following informalities: "initially registered for the game session"; and "at the game service for of any." Examiner will assume Applicant intended: "initially registered **players** for the game session"; and "at the game service for any." Appropriate correction is required.

Claim Rejections - 35 USC § 112, 2nd paragraph

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
8. Claims 1-2, 4-6, 10-17, 19-21, 25-28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
9. Claims 1 and 16 state "as perceived by the online game." This phrase is vague and indefinite because "perceived" is subjective in meaning. For prior art purposes, Examiner will assume Applicant intended "as performed by the online game."

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10. In light of Applicant's amendments, the former rejection regarding claims 6, 11, and 26 is withdrawn.

11. In light of Applicant's cancellation of claims 8 and 23, the former rejection regarding claims 8-9 and 23-24 is withdrawn.

Claim Rejections - 35 USC § 101

12. In light of Applicant's amendments, the former rejection regarding claim 15 is withdrawn.

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 1-2, 4-6, 10-12, 14-17, 19-21, 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leen et al. (US 2003/0050114), in view of Lavanchy et al. (US 6,758,754) and Zucker et al. (US 6,468,155), and further in view of Buchegger (US 2003/0163729).

Claims 1, 15, 16

15. Leen discloses the following limitations:

- a. a memory (memory) used for storing machine instructions (P0006);
- b. a network interface (interface 116) that couples the server computing device (server 104) in communication with client computing devices (clients 102) participating in the game session (figure 1, P0006, 0029, 0032);

- c. a processor (processor) that is coupled to the memory and to the network interface, said processor executing the machine instructions to carry out a plurality of functions, including (P0006, 0032-33);
 - d. at the conclusion of the online game session (gaming application 114) played by the plurality of registered players (clients 102), receiving reports (event information 122, end-of-game data) at the gaming service (platform 106) from at least one or more of the registered players (P0038-0039, 0044); and
 - e. the game service (platform 106 - statistics manager 132) then automatically comparing (compare) the results of all reports (statistics information 154 associated with a particular user and a different user) submitted to the game service (P0053).
16. Leen does not disclose the following limitations:
- f. each report received... report;
 - g. results of all reports... reported;
 - h. if no inconsistency exists... reports;
 - i. otherwise, if either an inconsistency exists... session;
 - j. at the beginning... session;
 - k. the game service creating... session;
 - l. using any previously... session; and
 - m. thereafter, updating... player or not.
17. Lavanchy discloses the following limitations:
- n. each report received from a registered player including results showing the outcome of the game session for all registered players (a tally screen may be displayed and includes for each team, the number of players who answered a question correctly, and the number who answered the question incorrectly. A tally screen may also comprise the number of points scored on the question for each team, the total points after the question's points are added for each team, and whether the last question was a bonus question), as perceived by the online game executed on said client computer of a registered player that submitted a report (C13 L18-55);

- o. results of all reports submitted to the game service to determine if any inconsistency exists in the outcome of the game session based on the results that were reported (C12 L38-47, C13 L18-67);
 - p. if no inconsistency exists and if results are reported by all of the registered players (players), the game service then declaring the outcome (total score) of the game session based on a majority view (total points) as determined from each of the submitted reports (C13 L18-46); and
 - q. otherwise, if either an inconsistency exists in the results that were reported or if not all of the initially registered for the game session submitted a report at the end of the game session (player disconnected for inactivity), the arbitration server of the game service then applying a predefined set of arbitration rules (correct answers may be worth +1 point, incorrect answers may be worth -1 point, and passing may be worth 0 points) using any previously determined trust ratings stored at the game service for of any of the registered players to determine the official results (outcome of a match) for the game session (C12 L38-47, C13 L18-67).
- 18. Zucker discloses the following limitations:
 - r. at the beginning of an online game session and prior to beginning the game, the game service requiring each of a plurality of players (players) to register (registered to use the game system) with an arbitration server (game controller 1100) at the game service so that in the event of any subsequent disconnect from the game session a record (game play database 1300) is retained at the game service of each player that agreed to play at the beginning of the game session irrespective of whether each player finished the game session (figures 12-14, C16 L39-67, C17 L1-51); and
 - s. the game service creating and storing a unique ID (a game play identifier 1302, a player identifier 1304, and a game result 1306) at the beginning of a game session for that session so that each registered player for that game session is identifiable as to that game session (figures 12-14, C16 L39-67, C17 L1-51).
- 19. Buchegger discloses the following limitations:

- t. using any previously determined trust ratings (trust level) stored at the game service for any of the registered players to determine the official results for the game session (P0047); and
 - u. thereafter, updating at the game service a trust rating (trust level) for each of the registered players, based on events relating to how the game was played by each registered player, irrespective of whether a report was submitted by a player or not (P0047, 0062, 0064).
20. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Zucker to show retaining a record at the game service, irrespective of whether each player finished the game session, because Zucker already teaches creating a player database, game play database, and game database (figures 12-14, C16 L39-67, C17 L1-51). A suggestion exists to retain records, irrespective of whether each player finished the game session, because said records can later be used to determine the player's account balance, game result, appropriate learning curve, and appropriate prize (figures 12-14).
21. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Lavanchy to show results of all reports submitted to the game service to determine if any inconsistency exists in the outcome of the game session, based on the results that were reported, because Lavanchy already teaches determining the outcome of a match, and tallying of both an individual player's statistics and team statistics (C13 L18-67). A suggestion exists to check the reports for inconsistencies because they may affect the outcome of a match, and a player's or team's statistics.
22. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Lavanchy to show if no inconsistency exists and if results are reported by all of the registered players, the game service then declaring the outcome of the game session based on a majority view as determined from each of the submitted reports, because Lavanchy already teaches the game service determining the outcome of a match based on the total points accumulated for each team (C13 L18-46). A suggestion exists to declare the outcome based on a majority view (i.e. combined individual scores) because said view is representative of the winning team (which team answered more questions correct and/or scored more points).

23. Alternatively, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Zucker to show using any previously determined trust ratings stored at the game service for any of the registered players to determine the official results for the game session, and updating a trust rating for each registered player, because Zucker already teaches maintaining a player database, game play database, and game database for determining official results (figures 12-14, C16 L39-67, C17 L1-51). A suggestion exists to also use trust ratings to determine official results, and updating said trust ratings, because trust ratings can help ensure that players are not cheating at the game (e.g. using automated game playing devices to unfairly achieve game results) (C2 L54-67).

24. It would have been obvious to one skilled in the art at the time of the invention to combine Leen, in view of Lavanchy and Zucker, and further in view of Buchegger because 1) current online gaming fails to allow players to compete for tangible prizes in a secure environment that does not rely upon trust among the competitors (Leen P0003); 2) electronic games, however, may suffer from the drawback of reducing the number of people who can participate together in a game (Lavanchy C1 L22-25); 3) a need exists to combat expert players and/or players who use automated game playing devices when a game provider awards prizes to players based on game results (Zucker C2 L54-67); and 4) a need exists to punish malicious behavior and non-collaboration in a network, and for the detection to cause a reaction in other nodes that makes malicious behavior disadvantageous (Buchegger P0009). Registering players, creating unique IDs, comparing results of submitted reports, and applying predefined arbitration rules may help ensure a successful game play experience for a plurality of players.

Claims 2, 17

25. Leen, in view of Lavanchy and Zucker, and further in view of Buchegger discloses all the limitations above. Furthermore, Leen discloses the following limitations:

- v. Each submitted report indicates whether connectivity to another client was lost during the game session (P0079: user characteristics (report) may include the number of disconnects a particular user performs during the execution of a gaming application).

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Claims 4, 19

26. Leen, in view of Lavanchy and Zucker, and further in view of Buchegger discloses all the limitations above. Furthermore, Leen discloses the following limitations:

w. if the submitted reports indicate that connectivity was lost with another client used by a player who registered, and the other client did not report results (P0079: user characteristics (report) may include the number of disconnects a particular user performs during the execution of a gaming application).

27. Leen does not disclose the following limitations:

x. the arbitration rules... completion.

28. Lavanchy discloses the following limitations:

y. the arbitration rules will determine that the client not reporting results simply disconnected and stopped participating in the game session before its completion (C12 L45-47: if a player fails to answer a predetermined number of questions in succession, the player is disconnected from the match due to inactivity).

29. It would have been obvious to one skilled in the art at the time of the invention to combine Leen, in view of Lavanchy and Zucker, and further in view of Buchegger because 1) current online gaming fails to allow players to compete for tangible prizes in a secure environment that does not rely upon trust among the competitors (Leen P0003); 2) electronic games, however, may suffer from the drawback of reducing the number of people who can participate together in a game (Lavanchy C1 L22-25); 3) a need exists to combat expert players and/or players who use automated game playing devices when a game provider awards prizes to players based on game results (Zucker C2 L54-67); and 4) a need exists to punish malicious behavior and non-collaboration in a network, and for the detection to cause a reaction in other nodes that makes malicious behavior disadvantageous (Buchegger P0009). Having the rules determine that the client not reporting results simply disconnected and stopped participating in the game session will allow the other players (who are reporting results) to continue to compete for prizes, and know who participated in the game.

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Claims 5, 20

30. Leen, in view of Lavanchy and Zucker, and further in view of Buchegger discloses all the limitations above. Furthermore, Leen discloses the following limitations:

z. enabling a player that is unable to communicate with the gaming service using a preferred communication protocol because said player is being subjected to packet bombing, to instead employ at least a limited transmission to the gaming service using an alternative communication protocol that is unaffected by the packet bombing, said arbitration rules treating the limited transmission as an indication that said player may have been unable to communicate with the gaming service and other players with the preferred communication protocol as a result of the packet bombing (P0039: platform 106 establishes **one or more communication paths** to the appropriate clients 102 and/or servers 104. In one embodiment, platform 106 establishes a communication path with the appropriate client 102 **via an appropriate server** 104. In another embodiment, platform 106 establishes a communication path with the appropriate client 102 **using a proprietary web server**. In yet another embodiment, platform 106 establishes a **direct communication path** with the appropriate client 102 using network 100. In all of these embodiments, the appropriate communication path is established such that platform 106 may provide enhanced services to the appropriate client 102).

31. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Leen to show a client, which is unable to communicate with the gaming service using a preferred communication protocol, to instead employ a limited transmission to the gaming service using an alternative communication protocol. Leen already teaches that the gaming service and client may communicate via one or more communication paths. Therefore, one of ordinary skill would be motivated to modify Leen to show the client communicating with the gaming service via one or more communication paths because the client may be unable to communicate with the gaming service via a preferred communication protocol, and instead, must utilize one of these alternative communication paths in order to communicate with the gaming service.

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32. Additionally, one of ordinary skill would recognize the suggestion that the client is unable to communicate with the gaming service via a preferred communication protocol because the client is being subjected to packet bombing. Thus, the client would have to utilize one of these alternative communication paths in order to communicate with the gaming service.

33. Finally, one of ordinary skill would recognize the motivation that the gaming service would treat the limited transmission (alternative communication path) as an indication that the client was unable to communicate via the preferred communication protocol because the preferred protocol initially included registration and login (Lavanchy C3 L59-60). Thus, the limited transmission would have to re-establish the client's identity through registration and login, suggesting the client could not communicate via the preferred protocol.

Claims 6, 21

34. Leen, in view of Lavanchy and Zucker, and further in view of Buchegger discloses all the limitations above. Furthermore, Leen discloses the following limitations:

aa. a report from a player may indicate whether any event or condition was noted for a specific other player that is outside predefined parameters for play of the online game, where said event or condition shows that the specific other player is executing a modified online game (P0053: compare first statistics information 154, such as statistics information 154 associated with a particular user, with second statistics information 154, such as statistics information 154 associated with the same or **different user**. Platform 106 may then provide any number and combination of enhanced services to any number and combination of users based upon this comparison of statistics information... Platform 106 may further measure any combination of event information 152, statistics information 154, and profile information 156 against certain **predetermined thresholds** (parameters) associated with the user. In this regard, platform 106 may determine whether the user is playing a particular gaming application 114 at an expected skill level. Such an audit of player performance may reveal cheating or other anti-competitive behavior (playing a modified game)).

Claims 10, 25

35. Leen, in view of Lavanchy and Zucker, and further in view of Buchegger discloses all the limitations above. Furthermore, Leen discloses the following limitations:

- bb. updating a state of the game session that is stored by the gaming service when determining the official results by applying the arbitration rules (P0105: The wager event generally comprises an action performed during the execution of a gaming application 114 that **changes the state of the gaming application** 114 and upon which the outcome of the wager between the first user and the second user is determined).

Claims 11, 26

36. Leen, in view of Lavanchy and Zucker, and further in view of Buchegger discloses all the limitations above. Furthermore, Leen discloses the following limitations:

- cc. the arbitration rules determine that a network filter was or was not applied by at least one player if the reports received by the gaming service include conflicting results for the game session (P0045, 0086, 0111: server 104 filters event information 122... platform 106 may filter, format, or otherwise process event information 122 to generate event information 152... wager manager 140 can quickly filter through event information 152 to identify the event information 152 that is relevant for determining the outcome of a particular wager record 158).

37. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Leen to show a network filter may have been applied by at least one player if the reports received by the gaming service include conflicting results. Leen already teaches the server (client), platform (gaming service), and wager manager (gaming service) filter event information (results), and identifying the relevant information for determining the outcome of a wager record (game). Therefore, one of ordinary skill would be motivated to modify Leen to show a network filter may have been applied by at least one player (client) if the reports received by the gaming service include conflicting results because identifying

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the relevant information for determining the outcome of a game suggests that conflicting results may have been reported.

Claims 12, 27

38. Leen, in view of Lavanchy and Zucker, and further in view of Buchegger discloses all the limitations above. Furthermore, Leen discloses the following limitations:

dd. initially applying a predefined time interval for the game session, after which the gaming service will not consider any reports received from a player when determining the official results of the game session (P0082: wager conditions 312 may comprise time limits for the particular wager (game session)).

Claim 14

39. Leen, in view of Lavanchy and Zucker, and further in view of Buchegger discloses all the limitations above. Furthermore, Leen discloses the following limitations:

ee. requiring that the online game report the results of the game session after the game session is over, for all registered players for the game session (P0081: platform 106 may receive event information 122 from various servers 104 that may be used to determine the outcome of a particular wager (game)).

40. Claims 13 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leen, in view of Lavanchy and Zucker and Buchegger, and further in view of Walker et al. (US 7,086,947).

Claims 13, 28

41. Leen, in view of Lavanchy and Zucker, and further in view of Buchegger discloses all the limitations above. Furthermore, Walker discloses the following limitations:

ff. enabling the players to request an extension of time for the predefined time interval, if additional time is required to complete the game session (C5 L44-49: an offer to provide a player

with a bonus expiring amount and an **extension of an expiration period** may be provided to a player once it is determined that a player has utilized the entirety of an expiring amount before the end of an expiration period and is attempting to cash out his credit balance from a gaming device (additional time is required)).

42. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Walker to show the client requesting an extension of time because additional time may be required to complete the game (i.e. cash out).

43. It would have been obvious to one skilled in the art at the time of the invention to combine Leen, in view of Lavanchy and Zucker and Buchegger, with Walker because 1) current online gaming fails to allow players to compete for tangible prizes in a secure environment that does not rely upon trust among the competitors (Leen P0003); 2) electronic games, however, may suffer from the drawback of reducing the number of people who can participate together in a game (Lavanchy C1 L22-25); 3) a need exists to combat expert players and/or players who use automated game playing devices when a game provider awards prizes to players based on game results (Zucker C2 L54-67); 4) a need exists to punish malicious behavior and non-collaboration in a network, and for the detection to cause a reaction in other nodes that makes malicious behavior disadvantageous (Buchegger P0009); and 5) a need exists for a system that allows a casino some measure of control over the times at which a player is motivated to make return visits to a casino (Walker C1 L65-67, C2 L1-2). Enabling clients to request an extension of time may be necessary to compete in the game session.

44. **Examiner's Note:** The Examiner has pointed out particular references contained in the prior art of record within the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the entire reference as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Double Patenting

45. Applicant has filed a terminal disclaimer for US patent 7,367,888 to overcome this rejection.

Response to Arguments

46. Applicant argues that Leen does not disclose several limitations of independent claims 1 and 16, and that Lavanchy does not meet these limitations (Amendment p 15-17). Examiner disagrees, and points to the rejection above for specific rejections.

Conclusion

47. Applicant's amendment filed on August 8, 2008 necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. §1.136(a).

48. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 C.F.R. §1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

49. Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to Chrystina Zelaskiewicz whose telephone number is 571.270.3940. The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Andrew Fischer can be reached at 571.272.6779.

50. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from

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either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866.217.9197 (toll-free).

/Chrystina Zelaskiewicz/
Examiner, Art Unit 3621
November 10, 2008

/ANDREW J. FISCHER/
Supervisory Patent Examiner, Art Unit 3621